

SENATE BILL NO. 217

INTRODUCED BY J. COBB

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A DEFENDANT CHARGED WITH A MISDEMEANOR FOR WHICH THE ONLY POSSIBLE PENALTY IS A FINE MAY PAY THE FINE BY MAILING OR OTHERWISE DELIVERING PAYMENT TO THE COURT STATED IN THE CHARGE WITHIN THE TIME SPECIFIED IN THE CHARGE OR THE TIME OTHERWISE PROVIDED BY LAW."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Payment of misdemeanor fine without arraignment. (1) A defendant charged with a misdemeanor for which the only possible penalty is a fine in a specific dollar amount stated in the charge may pay the fine by mailing or otherwise delivering payment to the court stated in the charge within the time specified in the charge or the time otherwise provided by law. If the only possible penalty under the law allows a fine between a minimum and maximum amount, the defendant may in the same manner pay an amount agreed to by the defendant and the court in which the charge is made.

(2) Payment constitutes a plea of guilty to the charge.

(3) The defendant must be mailed or otherwise delivered a signed receipt for the payment. The receipt must state:

(a) the court in which the charge is made;

(b) the charging jurisdiction;

(c) the offense charged including a citation to the statute, ordinance, or state administrative rule charged as being violated;

(d) the name of the person charged;

(e) the time and place of the offense as definitely as can be determined; and

(f) that the fine charged or agreed to has been paid in full.

(4) The arraignment provisions of this chapter do not apply to a charge for which the fine is paid under this section.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an

1 integral part of Title 46, chapter 12, part 1, and the provisions of Title 46 apply to [section 1].

2 - END -